

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JENNY HAMILTON,

Plaintiff,

vs.

FAMILY DOLLAR STORES OF
FLORIDA, INC., a Florida Corporation,

Defendant.

COMPLAINT FOR DAMAGES

Plaintiff, JENNY HAMILTON, sues Defendant, FAMILY DOLLAR STORES OF
FLORIDA, INC., and shows:

Introduction

1. This is an action by JENNY HAMILTON against her former employer for unpaid overtime pursuant to the Fair Labor Standards Act. Plaintiff seeks damages and a reasonable attorney's fee.

Jurisdiction

2. This action arises under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 207. The Court has jurisdiction over the claims pursuant to 29 U.S.C. § 216(b).

3. The claim arose within the Southern District of Florida, which is where venue is proper.

Parties and General Allegations

4. Plaintiff, JENNY HAMILTON, (hereinafter "HAMILTON") a resident of Broward County, was at all times material, employed by FAMILY DOLLAR STORES OF FLORIDA, INC., as a store manager, was an employee as defined by 29 U.S.C. § 203(e), and

during her employment with FAMILY DOLLAR STORES OF FLORIDA, INC., was engaged in commerce or in the production of goods for commerce.

5. Defendant, FAMILY DOLLAR STORES OF FLORIDA, INC. (hereinafter, "FAMILY DOLLAR"), is a Florida Corporation doing business in Broward County, Florida, and is an enterprise engaged in an industry affecting commerce, is an employer as defined by 29 U.S.C. § 203(d) and (s)(1), which has employees subject to the provisions of the FLSA, 29 U.S.C. § 207, in the offices where HAMILTON was employed.

6. Since on or about January 2008 up to and including August 2010, defendant FAMILY DOLLAR has willfully violated the provisions of §7 of the Act [29 U.S.C. §207] by employing employees engaged in commerce for workweeks longer than 40 hours without compensating them for their employment in excess of 40 hours at rates not less than one and one-half times the regular rates at which they were employed: specifically HAMILTON, since January 2008, has worked in excess of 40 hours a week nearly every week of her employment, and was not compensated for the work in excess of 40 hours at a rate not less than one and one-half times the regular rate at which she was employed.

7. The failure to pay overtime compensation to HAMILTON is unlawful in that she was not exempted from the overtime provisions of the Act pursuant to the provisions of 29 U.S.C. § 213(a), in that she neither was a bona fide executive, administrative or professional employee, or in the alternative, if HAMILTON was exempt, Defendant's actions and/or conduct have effectively removed any exemption that may have applied to HAMILTON.

8. FAMILY DOLLAR's actions were willful and purposeful as it was well aware of the Fair Labor Standards Act and HAMILTON's status as non-exempt, but chose not to pay her in accordance with the Act.

9. HAMILTON is entitled pursuant to 29 U.S.C. § 216(b), to recover from FAMILY DOLLAR:

- a. All unpaid overtime that is due;
- b. As liquidated damages, an amount equal to the unpaid overtime owed;
- c. The costs of this action, and;
- d. A reasonable attorney's fee.

WHEREFORE, Plaintiff, JENNY HAMILTON, prays that this court will grant judgment against defendant FAMILY DOLLAR:

- a. awarding HAMILTON payment of overtime compensation found by the court to be due to her under the Act, including pre-judgment interest;
- b. awarding HAMILTON an additional equal amount as liquidated damages;
- c. awarding HAMILTON her costs, including a reasonable attorney's fee; and
- d. granting such other and further relief as is just.

Jury Demand

Plaintiff demands trial by jury.

Dated: April 20, 2011
Plantation, Florida

Respectfully submitted,

s/Robert S. Norell
Robert S. Norell (Fla. Bar No. 996777)
E-Mail: robnorell@aol.com
ROBERT S. NORELL, P.A.
7350 NW 5th Street
Plantation, Florida 33317
Telephone: (954) 617-6017
Facsimile: (954) 617-6018
Counsel for JENNY HAMILTON